

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

HENRY SHROPSHIRE,

Plaintiff,

2007-CV-0057

v.

SEALEGS AT CORAL BAY, INC. d/b/a
SKINNY LEGS and
JANE DOE CORPORATION
Plastic Chair Manufacturer,

Defendants.

TO: Darwin K. Carr, Esq.
Garry E. Garten, Esq.

**ORDER GRANTING DEFENDANT SEALEGS AT CORAL BAY, INC. d/b/a
SKINNY LEGS' MOTION TO DISMISS OR TRANSFER AND MOTION TO DEEM
CONCEDED THE MOTION TO DISMISS OR TRANSFER**

THIS MATTER is before the Court upon Defendant Sealegs at Coral Bay, Inc. d/b/a Skinny Legs' Motion to Dismiss or Transfer (Docket No. 4) and Motion to Deem Conceded the Motion to Dismiss or Transfer (Docket No. 9). Plaintiff failed to respond to either motion, and the time for such response has expired.

In the absence of any opposition, the Court will grant said Defendant's motion to deem conceded and will transfer this matter to the Division of St. Thomas and St. John.

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Additionally, the Court finds that no "genuine articulable controversy" exists in favor of choosing St. Croix as the division for filing. Therefore, consistent with this Court's Order Regarding Cases Transferred to the Other Division, entered August 6, 2001, the Court shall award said Defendant its costs and attorney's fees associated with and related to filing the said motion to transfer.

WHEREFORE, it is now hereby **ORDERED**:

1. Defendant Sealegs at Coral Bay, Inc. d/b/a Skinny Legs' Motion to Deem Conceded the Motion to Dismiss or Transfer (Docket No. 9) is **GRANTED**.
2. Defendant Sealegs at Coral Bay, Inc. d/b/a Skinny Legs' Motion to Dismiss or Transfer (Docket No. 4) **GRANTED**.
3. The above-captioned matter¹ is **TRANSFERRED** to the Division of St. Thomas and St. John. The Clerk of Court shall forward a copy of the file to said division.

1. The Court notes that said Defendant filed Notice of Filing Corrected Caption (Docket No. 6), Answer (Docket No. 7), and Entry of Appearance (Docket No. 8) all ostensibly to substitute Defendant's correct title in the caption. However, a glance at said documents reveal that the caption of all three (3) documents still contain the "John Doe Corporation" designation of said Defendant. The caption shall appear as hereinabove, except, of course, that this matter is transferred to the Division of St. Thomas and St. John and will bear the name of that division and that division's civil number.

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4. Plaintiff shall pay, upon the Court's approval of such sums, said Defendant's costs and attorney's fees associated with and related to the filing of said motion.
5. Said Defendant shall, within five (5) days from the date of entry of this order, file an affidavit or certification regarding their costs and attorney's fees associated with and related to the filing of said motion

ENTER:

Dated: November 7, 2007

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE